

In response to these rejections, objections, and comments, and in view of the above Amendments, Applicant provides the following Remarks:

1. Affirmation of Election

A telephonic election with traverse was made by applicant on June 3, 2002, to prosecute the invention of Group 1, Claims 1-11. Applicant hereby affirms this election with traverse.

2. Rejection of Claim 10 Under 35 USC§112

Applicant has canceled Claim 10. Therefore, Applicant respectfully submits that the rejection under 35 USC§112 has become moot.

3. Rejection of Claims 1-2, 4-9, and 11 Under 35 USC§103(a)

Claims 1-2, 4-9, and 11 were rejected under 35 USC§103(a) as being unpatentable over US 5,591,289 to Souders et al. in view of US 3,870,590 to Hurwitz. It was noted in the Office Action that Souders was directed to headliners and teaches a headliner comprising a fibrous core with a cover providing an a pleasing surface. It was also noted that Souders failed to teach a headliner wherein a cushioning layer is disposed between a cover layer and the batting material. It was then noted that Hurwitz discloses a lofty nonwoven web in which it would have been obvious to incorporate between the cover layer and batting material of Souders.

However, neither Souders nor Hurwitz teach or suggest the combination of two different individual layers of different nonwoven material. The combination motivation stated in the Office Action of the combination improved cushioning qualities provide motivation for alternatively using the material in Hurwitz, of the combination of the two references. Neither Souders nor Hurwitz teach or suggest the combining of the two layers in the claimed invention. Only by hindsight use of the present invention is this combination suggested. Therefore, Applicant respectfully submits that the claimed invention would of not been obvious.

It was further noted in the rejection that Souders in view of Hurwitz failed to teach how the lofty nonwoven web was attached to the batting layer. Applicant first asserts that this failure is due to the fact that combination of the two layers was not suggested or obvious from the combination of the two prior art references. Additionally, there is no teaching or suggestion in Hurwitz or Souders to combine a batting layer of nonwoven material with a cushion layer of nonwoven material by the use of needling, as suggested in the Office Action. In Souders and Hurwitz, structures external to the particular nonwoven webs are attached through adhesive, not a process where fibers are exchanged in the bond, such as needling. Therefore, Applicant respectfully submits that there is no teaching suggestion for the present invention.

4. Rejection of Claim 3 Under 35 USC§103(a)

Claim 3 was rejected under 35 USC§103(a) as being unpatentable over Souders in view of Hurwitz and US 201/0006165 A12 Rashid. Applicant respectfully submits that Claim 3 is not obvious for the same reasons as expressed above in reference to Claims

1-2, 4-9, and 11. Additionally, Applicant respectfully submits that Rashid is non-analogous art for the present invention. The field of the present invention is nonwoven materials, and the particular problem is formation of headliner materials. In contrast, field for Rashid is plastic bottles, and the particular problem doubles with Rashid is the formation of ribs in a bottle to accept a label. Applicant respectfully submits that Rashid is not within the same field of endeavor as for the present invention, and is not reasonably pertinent to the particular problem of formation of headliners in which the present invention is concerned. Therefore, Applicant respectfully submits that Rashid is non-analogous art to the present invention and cannot be used in a rejection under 35 USC§103(a).

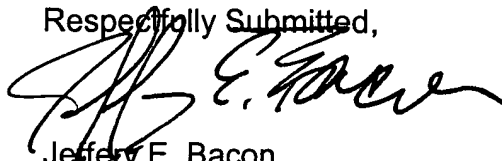
5. Rejection to Claim 10 Under 35 USC§103(a)

Claim 10 has been canceled by this amendment. Therefore, Applicant respectfully submits that the rejection of Claim 10 has become moot.

Applicant having addressed all of the rejections, objections, and comments in the latest Office Action, respectfully requests reconsideration and allowance of the pending claims in view of the above Amendments and Remarks. Applicant respectfully submits that the amendments submitted herewith do not add new matter to the application. In the event that the Examiner believes that the claims would be allowable with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment.

In the event that there are additional fees associated with the submission of these papers, Applicant hereby authorizes the Commissioner to withdraw those fees from our Deposit Account No. 04-0500. Also, in the event that additional time is required to have the papers submitted herewith for the above referenced application to be considered timely, Applicant hereby petitions for any additional time required to make these papers timely and authorization is hereby granted to withdraw any additional fees necessary for this additional time from our Deposit Account No. 04-0500.

Respectfully Submitted,



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